Prop 207 Automation Updates

Arizona Supreme Court

Administrative Office of the Courts

Court Services Division

Updated: April 2021









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Proposition 207 Overview

- Proposition 207, the Smart and Safe Arizona Act was a voter initiative on the November 2020 ballot. Since passing, the proposition allows the legalization of specific recreational cannabis for adult use effective December 1, 2020.
- In addition, a special action may be filed in Superior Court against the Department of Health Services for failure to adopt rules or issue a license pursuant 36-2865, effective June 1, 2021.









General Automation Updates

- New Title 36 Violations
- New Case Subtypes
- New Smart and Safe Fund (ZSASF)









New Title 36 Violations









New Title 36 Violations

Violation	Description	Class	s Sentencing
36-2853A	MARIJ POSSESSES >1 OZ - 2.5 OZ	РО	Criminal base fine, surcharges, assessments apply.
36-2853B 1ST	MARIJ POSS/USE/TRANSP/TRNSF <21YOA 1ST OFF	NC	Up to \$100 civil penalty only deposited in the Smart and Safe Fund (Surcharges do not apply); Court may sentence to 4 hours drug education/counseling. See note below.
36-2853B 2ND	MARIJ POSS/USE/TRANSP/TRNSF <21YOA 2ND OFF	РО	Court may sentence to 8 hours drug education/counseling. Criminal base fine, surcharges, assessments apply.
36-2853B 3RD	MARIJ POSS/USE/TRANSP/TRNSF <21YOA 3RD OFF	M1	Criminal base fine, surcharges, assessments apply.
36-2853C	MARIJ SMOKING IN PUBLIC/OPEN SPACE	РО	Criminal base fine, surcharges, assessments apply.
36-2853D 1ST	MARIJ-UNLIC PRODUCER VIO 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853D 2ND	MARIJ-UNLIC PRODUCER VIO 2ND OFF	M3	Criminal base fine, surcharges, assessments apply.
36-2853E 1ST	MARIJ <21 MISREP AGE TO BUY 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853E 2ND+	MARIJ <21 MISREP AGE TO BUY 2ND+ OFF	M1	Criminal base fine, surcharges, assessments apply.
36-2853F 1ST	MARIJ <21YOA SOLICITING BUYER 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853F 2ND+	MARIJ <21YOA SOLICITING BUYER 2ND+ OFF	M3	Criminal base fine, surcharges, assessments apply.







New Case Subtypes

Special Action Against an Administrative Body (GJ courts only)

Marijuana Non-Criminal (LJ courts only)







Special Action Against an Administrative Body

- A new Special Action Against an Administrative Body case subtype was created in the General Jurisdiction Courts to separate a special action from a lower court from a special action against an outside administrative agency.
- In the Create a New Case screen, select the appropriate case subtype under the "Special Action" case type and proceed with standard case processing flow.

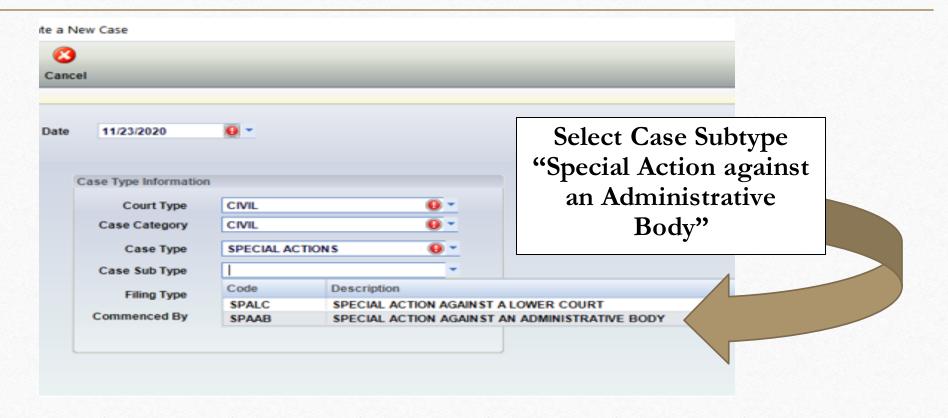








Special Action Against an Administrative Body











Marijuana Non-Criminal Case Subtype

- A new Marijuana Non-Criminal case subtype was created for the limited jurisdiction courts when a entering a first offense of 36-2853B from an ATTC.
- Courts should select charge "36-2853B 1st" when entering a violation of 36-2853B unless priors are alleged by the prosecuting agency.









Marijuana Non-Criminal Case Subtype











New Smart and Safe Fund (ZSASF)

- A violation of 36-2853B 1st offense is subject to a civil penalty of up to \$100. Surcharges and additional assessment do not apply. The new marijuana civil penalty will be allocated to the new Smart and Safe Fund (ZSAF).
- Standard criminal base fine, surcharges and assessments apply to all other violations in 36-2853, including 36-2853B 2nd offense and 36-2853B 3rd offense.









New Smart and Safe Fund (ZSASF)

• A new Smart and Safe Arizona line has been created on the State Remittance Report for marijuana civil penalties collected by the courts from violations of 36-2853B 1st. No other violations, including violations of 36-2853B 2nd and 36-2853B 3rd should assess or allocate to this fund.

Smart and Safe Arizona

36-2856; 36-2853B1









Case Processing in LJ AJACS









Entering 36-2853B 1st Offense

• All violations of 36-2853B cited on an ATTC should be entered as a first offense using the "36-2853B 1st" offense reference number in AJACS.

O	N	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed	l Measurement Device		rection of ravel
A	T	Location	5555 W. I	aw Road							Insert Count	Name of Town or y	State of Arizona	Beat
							The defen	dant commi	tted the fo	llowing:				·
	100	ction		ARS	Violation		T TO ANCOT	NICE ALVO	4 B		1	Criminal	Cri	minal Traffic
A		5-2853B ocket Numbe		CC	Disp. Cod		E/TRANSP/TI Date	of Disposition		estic Violence ction		Municipal Code	☑ Ci	vil Non-Traffic
												☐ Civil Traffie	☐ Pe	ty Offense









Entering 36-2853B 1st Offense

• Use the Citation Entry Screen. Unless priors are alleged, all 36-2853B violations cited on a traffic citation should be entered using charge 36-2853B 1ST.

Charge Information										
Offense Date			Offense Time							
12/07/2020 0 -	Offense Time	Not Indicated								
							CHARGES			
Citation No.	Charge Identif	Charge	Description	Tier	Location	Alleged Sp	Posted S	RP Speed		
989080993	-15	2853B -	MARU POSSIUS	No.			- 110			
×		Official NEW	rence Number	∇ Offense	Description 1	7 Offense Ca	155 17 (ualifier	7 *	
		36-2853B 15	T	MARIJ	POSS/USE/TRANSP/T	NON-CRIM	INAL			
		Ju-2053D 34	en:	MARIJ	POSS/USE/TRANSPIT	PETTY OFF	ENSE			
		36-2853B 3F		MARIJ	POSS/USE/TRANSP/T	MISD. 1ST	DEGREE		-	
Fingerprints Received?			tical?	+					-	-
Victim Indicator	Victim Notifica	tion Indicator				YES		Signed	Move Up	Move Down
	Officer 1		Badge #	Officer 2	J. Compared			orginou.		
		12								



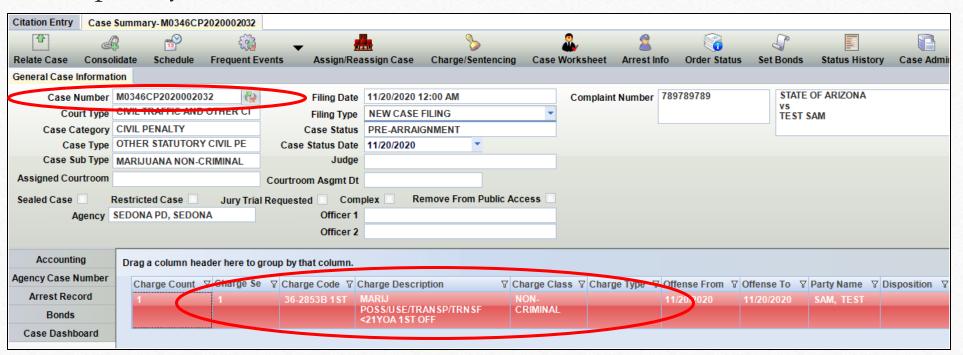






Entering 36-2853B 1st Offense

• Civil penalty case number will be created.











Sentencing 36-2853B 1st Offense

• In the Case Worksheet Screen, the base fine column should display the total

amount with no surcharges calculated.



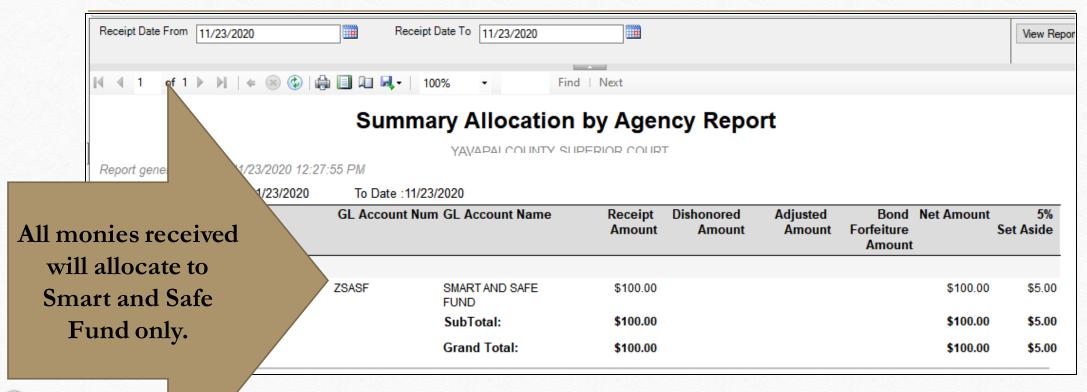








Sentencing 36-2853B 1st Offense



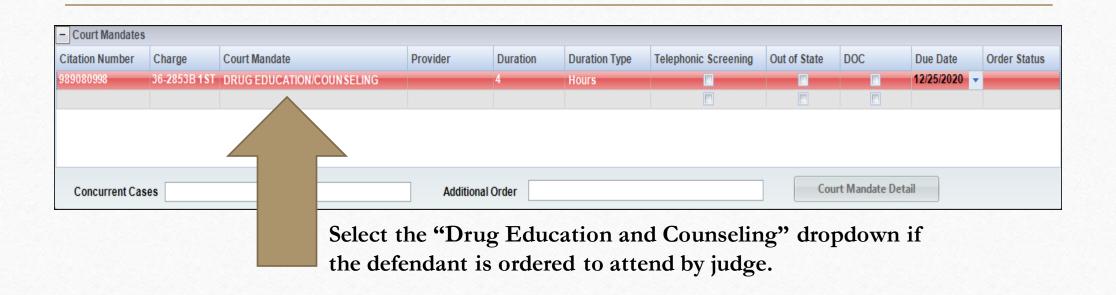








Sentencing 36-2853B 1st Offense











Entering a Criminal Violation in 36-2853

• Except for the first offense of 36-2853B, all violations under 36-2853 are criminal charges. Select the appropriate violation and classification according to the charging document. In this case, 36-2853B 2nd offense is selected.

		Offense Reference Number	▼ Offense Description ▼	Offense Class V Qualifier	₹ ^
		36-2853A	MARIJ POSSESSESS >1 OZ	PETTY OFFENSE	
Vehicle Information		36-2853B 1ST	MARIJ POSSJUSE/TRANSP/T	NON-CRIMINAL	
Charge Information		36-2853B 2ND	MARIJ POSS/USE/TRANSP/T	PETTY OFFENSE	
salarge marmatical		36-2853B 3RD	MAKIJ POSS/USE/TRANSP/T	MISD. 1ST DEGREE	
		36-2853C	MARIJ SMOKING IN PUBLIC/	PETTY OFFENSE	
		36-2853D 1ST	MARIJ-UNLIC PRODUCER VI	PETTY OFFENSE	
1 1		36-2853D 2ND	MARIJ-UNLIC PRODUCER VI	MISD. 3RD DEGR	
Offen Complaint Number	Charge Identifier	36-2853E 1ST	MARIJ <21 MISREP AGE TO B	PETTY OFFENSE	- ocation
2 012mm		36.2853 - MARKI	POSSESSESS >1 OZ	Intelligence Constitution	
×					



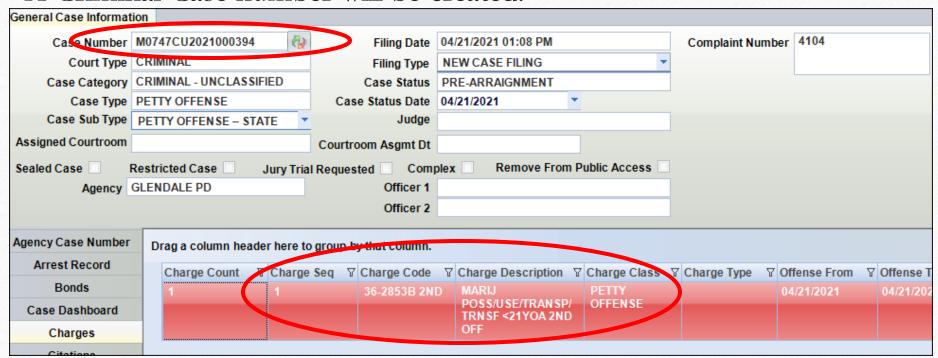






Entering a Criminal Violations in 36-2853

A Criminal Case number will be created.











Sentencing a Criminal Violations in 36-2853

• In the Case Worksheet, when adjudicating a new criminal title 36 violation, the standard criminal base fine, surcharges, and assessments will apply. The base fine will allocate to the general fund.











IMPORTANT

- Selecting the correct charge code in AJACS is important and will determine how the case is created and processed. In addition, monies may allocate erroneously.
- After case creation, if a prior is alleged by the prosecuting agency the non-criminal case may be dismissed and a new criminal case created. This process is recommended to ensure the correct sentencing is applied and the appropriate downstream automation and case processing is evoked.









Case Processing in GJ AJACS





Juvenile Case Referral

When entering a juvenile case referral for 36-2853B1st

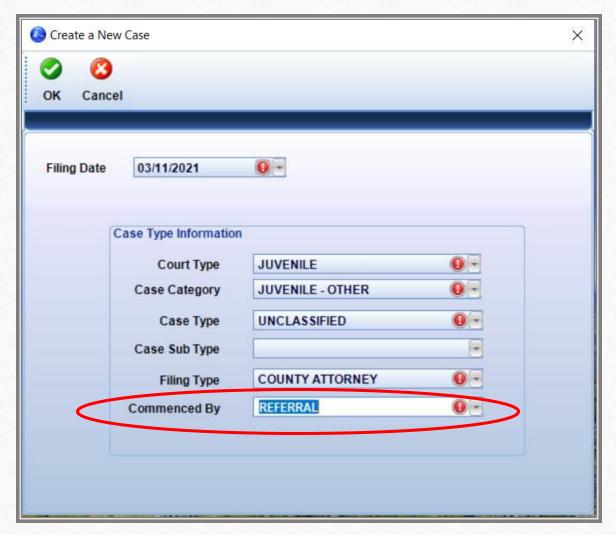
the following fields are recommended:

Court Type-JUVENILE

Case Type-JUVENILE OTHER

Case Type- UNCLASSIFIED

Commenced by: REFERRAL



New GJ AJACS Event Codes

- A new event code was <u>created to docket the Juvenile Referral</u> of **36-2853B 1st** offense.
 - Event Category **CHARGING DOCUMENT**
 - New event: **JUVENILE REFERRAL**

New GJ AJACS Event Codes

- New event codes were created to docket a juvenile's entry of admission or denial for a first or second offense cases under 36-2853B.
 - New events: STATEMENT: ADMISSION and STATEMENT: DENIAL
- The event codes can be used to record if the juvenile admits to the offense and wishes to either pay the fine or take a class in lieu of the fine, or if the juvenile denies the offense and wishes to have a hearing on the matter.





Additional Information

- The Violation Standardization Webpage has been updated to reflect the Proposition 207 statute changes effective 12/1/2020: https://www.azcourts.gov/courtservices/Automation-Services-Unit/Statewide-Standard-Violation-Code-Table
- Prop 207 language can be found at the following link: https://azsos.gov/sites/default/files/2020 General Election Publicit y Pamphlet English.pdf









Questions?

• If you have any questions or need assistance, contact the AOC Support Service Center at 602-452-3900 or 1-855-229-3900 to create a remedy ticket.



